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4 Attorney for Defendant
5 Larry Nolan, Garry Birch, and Jason Sage

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7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN FRANCISCO DIVISION

10
11 CORNEALIUS LOPES,
12 Plaintiff,

13 Vs.

14
15 FREEMONT FREEWHEELERS, et al.,
16 Defendants.

Case No.: C 07-6213 PJH

[PROPOSED] ORDER GRANTING
DEFENDANTS' LARRY NOLAN,
GARRY BIRCH, AND JASON SAGE'S
MOTION TO DISMISS THE
COMPLAINT PURSUANT TO RULE
12(b)(6)

17 Date: June 25, 2008
18 Time: 9:00am
Dept.: Courtroom 3, 17th Floor
19 Judge: Phyllis J. Hamilton

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21 Defendants LARRY NOLAN, GARRY BIRCH, and JASON SAGE's Motion to
22 Dismiss this action as to them came on regularly for hearing on Wednesday, June 25,
23 2008 in the above-entitled court. The Honorable Phyllis J. Hamilton presiding.
24 Defendants Larry Nolan, Garry Birch, and Jason Sage were represented by their attorney
25 Mark P. Meuser. Plaintiff Cornealius Lopes represented himself.

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27 After considering the papers in support of the opposing defendants' motion and
28 those matters of which defendants requested judicial notice and the oral arguments at the

1 hearing, and Good Cause appearing, defendants' motion to dismiss is granted. The counts
2 alleged against the various defendants are barred by the applicable statute of limitations,
3 plaintiff failed to state a cause of action upon which relief could be granted, and as to
4 Defendant Jason Sage, the doctrine of Res Judicata precluded this action from being filed
5 against him.

6 Accordingly, plaintiff's complaint is dismissed as to defendants Larry Nolan,
7 Garry Birch, and Jason Sage.

8 Dated: June ____ , 2008

9 by: _____
10 Phyllis J. Hamilton
11 United States District Judge

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